

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

JAMES TAMBONE and  
ROBERT HUSSEY,

Defendants.

**Civil Action No.: 06-10885 NMG**

**JAMES TAMBONE’S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, Defendant James Tambone hereby moves for summary judgment in his favor on all of plaintiff’s claims against him. In support of his Motion, Tambone incorporates and relies upon the facts and argument set forth in the Local Rule 56.1 Statement of Undisputed Material Facts, Memorandum of Law, Affidavit of Andrew Lynch, the exhibits attached thereto, and Affidavit of Paula J. DeGiacomo, Esq. and the exhibits attached thereto.

WHEREFORE, pursuant to Fed. R. Civ. P. 56(c) and Local Rule 56.1, Tambone respectfully requests that the Court grant him summary judgment on all Counts in Plaintiff’s Complaint, and dismiss this case in its entirety.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(D), Tambone believe that oral argument will assist the Court in ruling on this Motion and therefore respectfully request oral argument.

Dated: January 27, 2012

Respectfully Submitted,

JAMES TAMBONE

By his attorneys,

/s Paula J. DeGiacomo

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**LOCAL RULE 7.1(A)(2) CERTIFICATE**

I, Paula J. DeGiacomo, hereby certify that counsel for Tambone has conferred with opposing counsel in a good faith attempt to resolve or narrow the issues concerning this motion for summary judgment before its filing.

/s Paula J. DeGiacomo

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent via U.S. first class mail to those indicated as non-registered participants on January 27, 2012.

/s Paula J. DeGiacomo